

103^D CONGRESS
2^D SESSION

S. 2139

To provide for the conservation, management, or study of certain rivers,
parks, trails, and historic sites, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 16), 1994

Mr. ROCKEFELLER introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To provide for the conservation, management, or study of
certain rivers, parks, trails, and historic sites, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “West Virginia Rivers
5 Conservation Act of 1994”.

6 **SEC. 2. NEW RIVER GORGE NATIONAL RIVER.**

7 Section 1101 of the National Parks and Recreation
8 Act of 1978 (16 U.S.C. 460m–15) is amended by striking
9 “NERI–80,023, dated January 1987” and inserting
10 “NERI–80,028, dated January 1993”.

1 **SEC. 3. GAULEY RIVER NATIONAL RECREATION AREA.**

2 Section 201(b) of the West Virginia National Interest
3 River Conservation Act of 1987 (16 U.S.C. 460ww(b)) is
4 amended by striking “NRA–GR/20,000A and dated July
5 1987” and inserting “GARI–80,001 and dated January
6 1993”.

7 **SEC. 4. BLUESTONE NATIONAL SCENIC RIVER.**

8 Section 3(a)(65) of the Wild and Scenic Rivers Act
9 (16 U.S.C. 1274(a)(65)) is amended by striking “WSR–
10 BLU/20,000, and dated January 1987” and inserting
11 “BLUE–80,004, and dated January 1993”.

12 **SEC. 5. DESIGNATION OF UPPER NEW RIVER, WEST VIR-**
13 **GINIA.**

14 Section 3(a) of the Wild and Scenic Rivers Act (16
15 U.S.C. 1274(a)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “() UPPER NEW RIVER, WEST VIRGINIA.—(A) The
18 segment in Summers County, West Virginia, from the
19 West Virginia-Virginia State line downstream for approxi-
20 mately 14.5 miles as depicted on the boundary map enti-
21 tled ‘Upper New Wild and Scenic River’, numbered UPNE
22 80,000 and dated July 1993 to be administered by the
23 Secretary of the Interior as a scenic river.

24 “(B) The acreage limitation set forth in subsection
25 (b) shall not apply to the segment designated under this
26 paragraph. Nothing in this Act shall preclude the improve-

1 ment of any existing road or right-of-way within the
2 boundaries of the segment designated under this para-
3 graph.

4 “(C) Jurisdiction over all lands and improvements on
5 such lands owned by the United States within the bound-
6 aries of the segment designated under this paragraph is
7 hereby transferred without reimbursement to the adminis-
8 trative jurisdiction of the Secretary of the Interior, subject
9 to the lease in effect on the date of enactment of this para-
10 graph (or renewed thereafter) between the United States
11 and the State of West Virginia with respect to the
12 Bluestone Wildlife Management Area.

13 “(D) Nothing in this Act shall affect the management
14 by the State of West Virginia of hunting and fishing with-
15 in the segment designated under this paragraph. Nothing
16 in this Act shall affect or impair the management by the
17 State of West Virginia of other wildlife activities in the
18 Bluestone Wildlife Management Area to the extent per-
19 mitted in the lease agreement in effect on the date of en-
20 actment of this paragraph. Upon request by the State of
21 West Virginia, the Secretary shall renew such lease agree-
22 ment with the same terms and conditions as contained in
23 such lease agreement on the date of enactment of this
24 paragraph under which State management shall be contin-
25 ued pursuant to such renewal. If requested to do so by

1 the State of West Virginia, or as provided in the lease
2 agreement, the Secretary may terminate or modify the
3 lease and assume administrative authority over all or part
4 of the areas concerned.

5 “(E) Nothing in the designation of the segment re-
6 ferred to in this paragraph shall affect or impair the man-
7 agement of the Bluestone project or the authority of any
8 department, agency, or instrumentality of the United
9 States to carry out the purposes of the project.”.

10 **SEC. 6. DESIGNATION OF ELK RIVER AS A STUDY RIVER.**

11 (a) STUDY.—The Secretary of the Interior shall con-
12 duct a study of the segment of the Elk River, West Vir-
13 ginia, that is reflected on the Webster Springs Quadrangle
14 (West Virginia) 7.5 minute series topographic map, Unit-
15 ed States Geological Survey, to determine its eligibility
16 and suitability as either—

17 (1) a component of the national wild and scenic
18 rivers system;

19 (2) a unit of the National Park System as a na-
20 tional river; or

21 (3) a unit of the National Park System as a na-
22 tional recreation area.

23 (b) REPORT.—Not later than 3 years after the date
24 of enactment of this Act, the Secretary of the Interior
25 shall submit a report containing the results of the study

1 conducted pursuant to subsection (a) to the Committee on
2 Energy and Natural Resources of the Senate and to the
3 Committee on Natural Resources of the House of Rep-
4 resentatives.

5 (c) EFFECT ON MANAGEMENT.—Nothing in this sec-
6 tion shall affect or impair the management of the Sutton
7 project or the authority of any department, agency, or in-
8 strumentality of the United States to carry out the pur-
9 poses of the project on the date of enactment of this sec-
10 tion.

11 (d) CONSULTATION.—In conducting the study re-
12 quired by this section, the Secretary shall consult with the
13 West Virginia Division of Tourism and Parks and the
14 West Virginia Division of Environmental Protection.

15 **SEC. 7. CONSOLIDATED MANAGEMENT.**

16 To achieve the maximum economy and efficiency of
17 operations in the administration of the segment of the
18 New River designated by the amendment made by section
19 5, the Secretary of the Interior shall consolidate offices
20 and personnel administering such segment with offices
21 and personnel administering the New River Gorge Na-
22 tional River, the Gauley River National Recreation Area,
23 and the Bluestone National Scenic River to the extent
24 practicable, and shall utilize facilities of the New River
25 Gorge National River to the extent practicable.

1 **SEC. 8. MISCELLANEOUS PROVISIONS.**

2 (a) NEW RIVER CONFORMING AMENDMENTS.—Title
3 XI of the National Parks and Recreation Act of 1978 (16
4 U.S.C. 460m–15 et seq.) is amended by adding at the end
5 the following new section:

6 **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

7 “(a) COOPERATIVE AGREEMENTS.—Section
8 202(e)(1) of the West Virginia National Interest River
9 Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1))
10 shall apply to the New River Gorge National River in the
11 same manner and to the same extent as such section ap-
12 plies to the Gauley River National Recreation Area.

13 “(b) REMNANT LANDS.—The second sentence of sec-
14 tion 203(a) of the West Virginia National Interest River
15 Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall
16 apply to tracts of land partially within the boundaries of
17 the New River Gorge National River in the same manner
18 and to the same extent as such sentence applies to tracts
19 of land partially within the Gauley River National Recre-
20 ation Area.”.

21 (b) BLUESTONE RIVER CONFORMING AMEND-
22 MENTS.—Section 3(a)(65) of the Wild and Scenic Rivers
23 Act (16 U.S.C. 1274(a)(65)) is amended—

24 (1) in the fifth sentence, by striking “leases”
25 and inserting “the lease”;

1 (2) in the seventh sentence, by striking “such
2 management may be continued pursuant to renewal
3 of such lease agreement”; and

4 (3) by striking the eighth sentence and insert-
5 ing the following: “Upon request by the State of
6 West Virginia so requests, the Secretary shall renew
7 such lease agreement with the same terms and con-
8 ditions as contained in such lease agreement on the
9 date of enactment of the West Virginia Rivers Con-
10 servation Act of 1994 under which such State man-
11 agement shall be continued pursuant to such re-
12 newal. Upon request by the State of West Virginia,
13 or as provided in such lease agreement, the Sec-
14 retary may terminate or modify the lease and as-
15 sume administrative authority over all or part of the
16 areas concerned.”.

17 **SEC. 9. GAULEY ACCESS.**

18 Section 202(e) of the West Virginia National Interest
19 River Conservation Act of 1987 (16 U.S.C. 460ww-1(e))
20 is amended by adding at the end the following new para-
21 graph:

22 “(4) ACCESS TO RIVER.—Not later than 90 days
23 after the date of enactment of this paragraph, the Sec-
24 retary shall submit a report to the Committee on Energy
25 and Natural Resources of the Senate and to the Commit-

tee on Natural Resources of the House of Representatives setting forth a plan to provide river access for noncommercial recreational users within the Gauley River National Recreation Area. The plan shall provide that such access shall utilize existing public roads and rights-of-way to the maximum extent feasible and shall be limited to providing access for such noncommercial users.”.

SEC. 10. VISITOR CENTER.

The Secretary of the Interior may construct a visitor center and such other related facilities as may be necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New River and Gauley River. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or the Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

SEC. 11. EXTENSION.

For a 5-year period beginning on the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to river segments designated for study for potential addition to the wild and scenic rivers system under section 5(b) of such Act (16 U.S.C. 1276(b))

1 shall apply to the segments of the Bluestone and Meadow
2 Rivers that were found eligible in the studies completed
3 by the National Park Service in August 1983 but that
4 were not designated by the West Virginia National Inter-
5 est River Conservation Act of 1987 (Public Law 100-534;
6 102 Stat. 2702) as part of the Bluestone National Scenic
7 River or as part of the Gauley River National Recreation
8 Area, as the case may be.

9 **SEC. 12. BLUESTONE RIVER PUBLIC ACCESS.**

10 Section 3(a)(65) of the Wild and Scenic Rivers Act
11 (16 U.S.C 1274(a)(65)) is amended by adding at the end
12 the following new sentence: “In order to provide reason-
13 able public access and vehicle parking for public use and
14 enjoyment of the river designated by this paragraph, con-
15 sistent with the preservation and enhancement of the nat-
16 ural and scenic values of such river, the Secretary may
17 negotiate a memorandum of understanding or cooperative
18 agreement, or acquire such lands or interests in such
19 lands, or both, with the consent of the owner as may be
20 necessary to allow public access to the Bluestone River
21 and to provide, outside the boundary of the scenic river,
22 parking and related facilities in the vicinity of the area
23 known as Eads Mill.”.

1 **SEC. 13. GAULEY RIVER BOUNDARY MODIFICATION.**

2 Section 205(c) of the West Virginia National Interest
3 River Conservation Act of 1987 (16 U.S.C 460ww-4(c))
4 is amended by adding at the end the following new sen-
5 tence: “If project construction is not commenced within
6 the time required in such license, or if such license is sur-
7 rendered at any time, such boundary modification shall
8 cease to have any force and effect.”.

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